

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Evier Diaz Paez,

5 Petitioner

6 v.

7 Dwight Neven, et. al,

8 Respondents

Case No.: 2:16-cv-02737-JAD-NJK

**Order Denying Requests for  
Reconsideration; Appointment of Counsel;  
an Evidentiary Hearing; and to Proceed *In*  
*Forma Pauperis***

[ECF Nos. 11, 12, 13]

9 *Pro se* petitioner Evier Diaz Paez is serving several consecutive state-court sentences  
10 after he was convicted of attempted murder with the use of a deadly weapon, battery with the use  
11 of a deadly weapon but no serious bodily harm, and first-degree kidnapping with the use of a  
12 deadly weapon.<sup>1</sup> He has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, which  
13 is awaiting a response by respondents. I denied Paez's first application for leave to proceed *in*  
14 *forma pauperis* because it was incomplete and his first motion for appointment of counsel  
15 because he appeared able to adequately represent himself.<sup>2</sup> Paez now moves for reconsideration  
16 and appointment of counsel (again) and re-applies to proceed *in forma pauperis*.<sup>3</sup>

17 Paez's motions for reconsideration and appointment of counsel reiterate the same  
18 arguments that he presented in his first request for counsel—arguments that I already considered  
19 and deemed insufficient to compel appointment.<sup>4</sup> I am, once again, not persuaded by Paez's  
20 renewed arguments, and I deny both of these motions. Paez has also requested an evidentiary  
21 hearing. Respondents have not answered or otherwise responded to the petition, so the request  
22 for an evidentiary hearing is premature, and I deny it on that basis. Finally, Paez's application  
23

---

24 <sup>1</sup> ECF No. 10 at 2.

25 <sup>2</sup> ECF No. 7.


26 <sup>3</sup> ECF Nos. 11, 12, 13.

27 <sup>4</sup> Paez's second motion for appointment of counsel is a verbatim duplicate of his first motion.  
28 *Compare* ECF No. 2 *with* ECF No. 12.

1 for leave to proceed *in forma pauperis* is denied as moot, because he has already paid the filing  
2 fee.

3 Accordingly, IT IS HEREBY ORDERED that Paez's motions for reconsideration [ECF  
4 No. 11], for appointment of counsel and an evidentiary hearing [ECF No. 12], and for leave to  
5 proceed *in forma pauperis* [ECF No. 13] are **DENIED**.

6 Dated: April 9, 2018

7   
8 U.S. District Judge Jennifer A. Dorsey